

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF DESIGN PROFESSIONALS
1511 PONTIAC AVENUE, BLDG. 69-1
CRANSTON, RI 02920
(401) 462-9592 Fax: (401) 462-9532 www.bdp.state.ri.us**

MINUTES OF THE MEETING OF THE BOARD

DATE: 21 September 2011

**PLACE: Department of Business Regulation
1511 Pontiac Avenue, Building 68, Conference Room 68-1
Cranston, RI 02920**

TIME: 9:00 AM

**MEMBERS PRESENT: Chairman Christopher A. Duhamel, PE, PLS,
Secretary Kazem Farhoumand, PE, Mr. Paul B. Aldinger, PE, PhD,
Board Member and Mr. Ferdinand Ihenacho, PE, Board Member**

MEMBER ABSENT: Vice Chairman Wayne Moore, PE

**OTHERS PRESENT: Louis A. DeQuattro, Jr., Deputy Director &
Counsel Division of Regulatory Standards, Compliance and
Enforcement**

Brian Riggs, Administrator, Financial Management

CALLED TO ORDER: Chairman Duhamel called the meeting to order at 9:08AM to commence Board business

NEW BUSINESS:

(1) Acceptance of the 17 August 2011 minutes of the meeting.

Mr. Aldinger made a motion to approve the minutes of the 17 August 2011 Board meeting. Mr. Ihenacho seconded the motion. The motion passed three in favor, one abstained and one absent. Voting in favor were Chairman Duhamel, Messrs. Aldinger and Ihenacho Board Members. Secretary Farhoumand abstained. Vice Chairman Moore was absent. Mr. Aldinger made a motion to approve and seal the minutes of the Executive Session of 17 August 2011. Mr. Ihenacho seconded the motion. The motions passed three in favor, one abstained and one absent. Voting in favor were Chairman Duhamel, Messrs. Aldinger and Ihenacho Board Members. Secretary Farhoumand abstained. Vice Chairman Moore was absent.

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(2) EXECUTIVE SESSION

Secretary Farhoumand made a motion to convene into executive session at 9:47 AM pursuant to RI General Laws, Section §42-46(5)(a)(2) for sessions or work sessions pertaining to collective bargaining or litigation and §42-46-(5)(a)(4) for investigative proceedings regarding allegations of civil or criminal misconduct.

Mr. Aldinger seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

Mr. Aldinger moved to adjourn from executive session and to reconvene to open meeting at 10:00AM pursuant to R.I.G.L. §42-46-4. Secretary Farhoumand seconded the motion. Mr. Aldinger moved to seal the executive session pursuant to R.I.G.L. §42-46-4 and §42-46-5 and to record the votes taken in executive session in accordance with RI General Laws, §42-46-4 as follows: in “Old Business” P2010-8 (a) continued, P2010-8 (b) continued, P2010-14 (a) continued, P02010-14 (b) continued, P2010-16 closed P2011-6 closed. Secretary Farhoumand seconded the motion. Roll call vote was taken. The Chair voted “I.”, Secretary Farhoumand voted “I.” Mr. Aldinger voted “I.” and Mr. Ihenacho voted “I”. Vice Chairman Moore was absent. In Executive Session pending matters, there are four (4) pending matters, comprised of four (4) potential litigation-related matters.

(3) Performance Metrics

Mr. Riggs informed the Board that the Governor has introduced Performance Metrics which will measure how many days it will take to process applications. Mr. Riggs has suggested a new process for application review. Chairman Duhamel instituted a new rotation system for reviewing applications.

(4) Public Hearing /Rhode Island Professional Engineering Rules and Regulations Review

Attorney Elizabeth Dwyer went on record with regard to the Board of Professional Engineers proposal to amend their Rules and Regulations pursuant to the notice sent out by the Board and the Department of Business Regulation. A public hearing was scheduled to be held to this morning, 21 September 2011, at 9:30AM on the proposal to amend this regulation. It is currently 9:35AM. The notice indicated that persons interested in these amendments should either appear in person or provide comments by e-mail or mail. To date Attorney Dwyer had not received any comments. The three proposed amendments are (1) Section 1(b) to provide the current address of the Board; (2) to Section 1(e) to remove the requirement that meetings be held at 1:00PM and (3) to Section 3.03 to remove the requirement that an application be signed and sealed by a Notary Public or Justice of the Peace.

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This requirement is not included in the statute and is an impediment to the implementation of electronic licensing. Attorney Dwyer asked all persons in the room to identify themselves. Lois Marshall, Administrative Assistant to the Board, Paul Aldinger, Board Member, Kazem Farhoumand, Board Secretary, Ferdinand Ihenacho, Board Member Brian Riggs, DBR Director's designee and Christopher Duhamel, Board Chairman. Vice Chairman Moore was not present. Attorney Dwyer asked if any member of the Board had any objection

to these amendments. Hearing none the administrative hearing was closed and the Department of Business Regulations will file the proposed changes with the Secretary of State and promulgate a final regulation.

(5) Joint Board Workshop to discuss suggested language changes

Chairman Duhamel asked Ms. Marshall to contact the chairman of the Land Surveyor Board to schedule the Joint Board Workshop.

(6) Correspondence received from Joanne Audette

The Board reviewed Ms. Audette's correspondence and requested legal counsel to review all relevant statutes and regulations to determine whether the Board had the ability to waive educational requirements to sit for the Professional Engineer's examination. A review of the provisions of R.I. Gen. Laws §5-8-1 et seq. and related regulations indicates that the Board does not have the power to waive educational requirements for examination or registration. The Board also does not have the statutory power to adopt rules or regulations to waive educational requirements for examination or registration. The provisions of R.I. Gen. Laws §5-8-1 et seq. would need to be modified by the Rhode Island General Assembly in order to give the Board the power to waive of educational requirements.

APPLICATIONS:

(7) John E. Ayotte

The Board reviewed Mr. Ayotte request for approval of review

courses to prepare him to sit for the Professional Engineering examination. Mr. Aldinger made a motion to allow Mr. Ayotte to take the review courses submitted. Secretary Farhoumand seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

(8) Scott C. Swenson

Mr. Ihenacho made a motion to approve Mr. Swenson in the Mechanical discipline. Secretary Farhoumand seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. .Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

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(9) John C. Van Praet

Chairman Duhamel made a motion to approve Mr. Van Praet in the Electrical discipline. Secretary Farhoumand seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

(10) Francis I. Klusek

Secretary Farhoumand made a motion to approve Mr. Klusek in the Electrical discipline. Chairman Duhamel seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

(11) Mitchell T. Hardert

Mr. Ihenacho made a motion to approve Mr. Hardert in the Civil discipline. Secretary Farhoumand seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. .Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

(12) J.N. Coleman

Secretary Farhoumand made a motion to approve Mr. Coleman in the Civil discipline. Mr. Ihenacho seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

(13) Joey F. Fababeir

Secretary Farhoumand made a motion to approve Mr. Fababeir in the Mechanical discipline. Chairman Duhamel seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

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P.E. COMITY:

Mr. Aldinger made a motion to grant comity to the following individuals in the disciplines specified. Secretary Farhoumand seconded the motion. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

Agbayani, Nestor A. CA Civil & Struc. Krar, Andrew H. CT Civil

Argiris, Leo E. NY Civil McAllister, Gary B. ME Civil

Boehner, Greg W. MA Elect. Miller, Scott A. WA Mech.

English, Michael C. NY Mech. Smith, Sean B. TN Struc& Civil

Hambardzumian, Arsen MA Civil Sperry, Jason G. NY Civil

Harrill, Joseph B. FL Electrical Uecke, Steven R. IL Civil

Jantzen, Steven W. MN Structural

REINSTATEMENT:

Secretary Farhoumnad made a motion to reinstated Mr. Shelley in the Civil discipline pending payment of all back fees and penalties. Mr. Aldinger seconded the motion. The motion passed unanimously; four in favor one absent. The motions passed unanimously, four in favor one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

William F. Shelley

C.O.A. APPLICATIONS:

Mr. Ihenacho made a motion to approve the applications for Certificates of Authorization listed on the 21 September 2011 list for Sole Proprietorships, Corporations, Limited Liability, and Change in Responsible Charge, as noted in the specific disciplines mentioned with no exceptions. None were denied. Mr. Aldinger seconded the motion. The motions passed unanimously, four in favor and one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

The next Board meeting is scheduled for 19 October 2011 at 9:00AM. Mr. Ihenacho made a motion to adjourn the meeting at 10:44 AM. Mr. Aldinger seconded the motion. The motion passed unanimously, four

in favors one absent. Voting in favor were Chairman Duhamel, Secretary Farhoumand, Messrs. Aldinger and Ihenacho Board Members. Vice Chairman Moore was absent.

Posted on October 20, 2011 electronically on Secretary of State's Office website. Pursuant to the Open Meetings Law, R.I. Gen. Laws Sec. 42-46-6(b), business not included in this notice may be considered with the consent of the majority of the members, and/or may convene into Executive (closed) Session pursuant to R.I. Gen. Laws Sec. 42-46-5.

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C. O. A. APPLICATIONS

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SOLES PAID COMMENTS

ASHUTOSH PATEL, PE 0 OK CIVIL

CORPORATIONS

ALTRAN SOLUTIONS CORP, \$150 OK ELECTRICAL

CHI ENGINEERING SERVICES, INC. \$150 OK MECHANICAL

DICKERSON ENGINEERING INC. \$150 OK ELECTRICAL

SOMATEX, INC. \$150 OK MECHANICAL

LIMITED LIABILITY CORPORATIONS

J2M CONSULTING, LLC OK CIVIL

PETERSON ENGINEERING GROUP \$150 OK ELECTRICAL

COA #5293 JACOBS ENG. GROUP, INC. 0 OK .

ADDING ROBERT S. BUCEY IN RESP. CHARGE

COA #5449 THORSON BAKER & ASSOC., INC. 0 OK

REMOVE AREL TOROSIAN IN RESP. CHARGE

COA #5676 FLOUR ENTERPRISES, INC. 0 OK

ADD MICHELLE M. STADLER AND AMUL M. PATEL

WITHDRAWALS

RAPOSO ENGINEERING GROUP, INC. 0 OK

COA#LLC114 0 OK

WITHDRAW L. ROBERT KIMALL & ASSOC., INC.

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